

**DURHAM, NORTH CAROLINA  
MONDAY, JULY 19, 1999  
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time, the Orange Grove Touring Choir rendered one selection for the Council and audience. The Orange Grove Touring Choir recently visited Durham, England, one of Durham's Sister Cities.

Mayor Tennyson informed the Council that a Special City Council Meeting [Work Session] is scheduled on Saturday, August 14, 1999, Committee Room, City Hall.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell recognized Development Concepts, Inc. who made a presentation on the Master Plan Process for Downtown Durham. Also, City Manager Ewell requested that GBA #14 [Policy Discussion on Type of Information on GIS System] be held until the August 2, 1999 City Council Meeting.

**SUBJECT: POLICY DISCUSSION ON TYPE OF INFORMATION ON GIS SYSTEM**

To discuss policy for the type of information to be placed on the

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Brown to hold this item until the August 2, 1999 City Council Meeting was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Blyth. Absent: None.

City Attorney Blinder noted that the court upheld the Southpoint Mall decision of Council.

There were no priority items from the City Clerk.

Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later

in the meeting. The Mayor reminded the Council of the revisions to the Consent Agenda acted upon at the Committee-of-the-Whole Meeting on Thursday, July 14, 1999.

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: CENSUS 2000 COMPLETE COUNT COMMITTEE**

**MOTION** by Council Member Larson seconded by Council Member Miller to appoint citizens, as outlined below, to serve on the Census 2000 Complete Count Committee was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

David Jones Neill  
Iuan Parra  
Mary Liverman Tisdale  
Addye Townsend  
Phillip Lamont Vareen

**SUBJECT: BIDS - RRS POLICE RECORDS MANAGEMENT, INC. (RRS) FOR DATA ENTRY AND STORAGE FOR THE POLICE DEPARTMENT**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept the bid from RRS Police Records Management, Inc. at an estimated annual cost of \$76,347.11 to perform data entry and storage of incident, arrest, and accident reports for the Police Department and to authorize the City Manager to execute the implementing contract and to make changes to the contract that are not less favorable to the City was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: GRANT AWARD FROM THE U. S. DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$1,908,910 (COPS IN SCHOOLS PROGRAM AND UNIVERSAL HIRING PROGRAM)**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept the grant award from the U.S. Department of Justice in the amount of \$1,908,910 (COPS in Schools Program - \$1,158,910 and Universal Hiring Program - \$750,000); and

To adopt The City of Durham and U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), "Local Law Enforcement (COPS in Schools) Block Grant" Project Ordinance; and

To adopt The City of Durham and U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), "Local Law Enforcement (Universal Hiring) Block Grant" Project Ordinance was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: REVISION OF PROJECT ORDINANCE #10917 FOR FEDERAL ASSET FORFEITURE FUNDS FOR FY 1996-1997**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a revision of Project Ordinance #10917 to adjust revenues available from the U.S. Department of Justice "Federal Asset Forfeiture Funds" received for fiscal year 1996/97 was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CAPITAL PROJECT ORDINANCE CONCERNING BACKUP 911 CENTER AND AMENDED LEASE BETWEEN DUKE UNIVERSITY, DUKE UNIVERSITY HEALTH SYSTEM, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt the "Capital Project Ordinance Concerning Backup 9-1-1 Center" appropriating \$550,000 for the renovation and upfit of the Backup 9-1-1 Center; and

To authorize the City Manager to execute the [Amended] Lease for Backup 911 Center between Duke University, Duke University Health System, Inc. and the City of Durham was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: 1996 HOUSING BOND POLICIES**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on the 1996 Housing Bond Policies was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: HANDICAPPED ACCESSIBILITY REHAB PROGRAM GUIDELINES**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt the "Handicapped Accessibility Rehab Program Guidelines"; and

To authorize the City Manager to implement the program using 1996 Housing Bond Funds set aside for Special Needs Populations and to make any changes to the program as are consistent with the 1996 Housing Bond Policies was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CONTRACTUAL AGREEMENT WITH THE DURHAM AFFORDABLE HOUSING COALITION**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a performance based contractual agreement with the Durham Affordable Housing Coalition in an amount up to \$200,000 from Community Development Block Grant Funds and to make any minor changes to the contract as are consistent with the CDBG Program and this City Council approval was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: FINAL APPROVAL - DURHAM AFFORDABLE HOUSING COALITION AND DURHAM COUNTY HEALTH DEPARTMENT, LEAD HAZARD CONTROL SUBRECIPIENT GRANT AGREEMENTS**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Subrecipient Grant Agreement with the Durham Affordable Housing Coalition in an amount not to exceed \$105,651 from Lead Hazard Control Grant funds; and

To authorize the City Manager to execute a Subrecipient Grant Agreement with the Durham County Health Department in an amount not to exceed \$156,282 from Lead Hazard Control Grant funds and to accept from the Durham County Health Department, an in-kind contribution of services valued at \$35,187 as program match; and

To authorize the City Manager to execute related documents and make minor changes to the Grant Agreements and other related documents as are consistent with Lead Hazard Control Grant requirements as published by the Department of Housing and Urban Development was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REPROGRAMMING -  
SETTING PUBLIC HEARING**

**MOTION** by Council Member Larson seconded by Council Member Miller to set a public hearing on Monday, August 2, 1999 to receive citizens' comments on the proposed reprogramming of CDBG funds was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: AMENDMENTS TO CITIZEN PARTICIPTION PLAN - SETTING PUBLIC  
HEARING**

**MOTION** by Council Member Larson seconded by Council Member Miller to set a public hearing on Monday, August 2, 1999 to receive citizens' comments on proposed changes to the Citizen Participation Plan was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PRELIMINARY APPROVAL - SELECTION OF UDI/CDC AS DEVELOPER  
OF GLENDALE AVENUE HOMEOWNERSHIP PROGRAM**

**MOTION** by Council Member Larson seconded by Council Member Larson to give preliminary approval to the selection of UDI/CDC as the developer for single family detached houses for sale to income eligible homeowners in the 800 block of Glendale Avenue was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth,

Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: FINAL APPROVAL - UNDERWOOD SQUARE APARTMENTS HOME PROJECT  
- UNDERWOOD LIMITED LIABILITY CORPORATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Loan Agreement with UW, LLC (Underwood Limited Liability Corporation) for the acquisition/rehabilitation of Underwood Square Apartments in the amount of up to \$605,000 of federal HOME funds and HOME match funds; to execute related closing documents; and to make minor changes to the Loan Agreement and related closing documents as are consistent with the City's affordable housing policies and federal HOME Program regulations; and

To determine and find that funding for this rental housing acquisition/rehabilitation program is not otherwise available, wholly or in part, from public or private lenders upon equivalent or reasonably equivalent terms and conditions was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: COMPLETION OF REVITALIZATION ACTIVITIES IN THE EASTWAY  
HOUSING DEVELOPMENT - NORTH BLACKNALL STREET; MORNING  
GLORY AVENUE; AND NORTH GOLEY STREET (NORTHEAST CENTRAL  
DURHAM)**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution authorizing the private sale of real property at 106, 107, 108, 111, and 118 North Blacknall Street; 1304, 1306, 1308, 1406, 1504 and 1520 Morning Glory Avenue; and 115 North Goley Street to Hayti Development Corporation, or to another non-profit agency, under the authority of G.S. 160A-279; and

To authorize the City Manager the option of selling the real property under the authority of Sections 86 and 86.1 of the City Charter, and if Section 86.1 is used, to authorize the payment of a 6 percent commission of the sales price to a licensed North Carolina real estate broker who successfully markets and sells the remaining properties to low and moderate income persons for home ownership was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PRIVATE SALE OF PROPERTY ON ESTES STREET - SOUTHWEST  
CENTRAL DURHAM REVITALIZATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the sale of property at 847, 859, 863, 866 and 870 Estes Street by private sale under the authority of Sections 86 and 86.1 of the City Charter subject to the deed restriction that each property is sold to a low and moderate income person for home ownership for a duration of 20 years from the date the City conveys the property, and to authorize the payment of a 6% commission of the sales price to a licensed North Carolina real estate broker who successfully markets and sells the property to a low and moderate income person for home ownership was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SUBRECIPIENT AGREEMENT WITH TRIANGLE ECONOMIC DEVELOPMENT  
CORPORATION (TEDC)**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Subrecipient Agreement between the City of Durham and Triangle Economic Development Corporation (TEDC) for an amount of \$10,000 and not to exceed 10% of any additional funding allocated for the Durham Community Business Loan Pool was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CONTRACT FOR DISLOCATED WORKER PROGRAM WITH EMPLOYMENT  
SECURITY COMMISSION - JULY 1999 THROUGH DECEMBER 1999**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute the "Contract for Dislocated Worker Program" with the Employment Security Commission in the amount of \$96,200 for program year July 1, 1999 through December 31, 1999 was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CITY EMPLOYMENT AND TRAINING OFFICE FEDERAL GRANT FUNDS**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt the "City of Durham Employment and Training Project Ordinance for Federal Grant - July 1, 1999 Until all Funds are Expended" in the amount of \$395,761 was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: BIDS - MICROSOFT ENTERPRISE SOFTWARE LICENSING AGREEMENT WITH COMPUSA, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept the bid from CompUSA, Inc. in the amount of \$745,590 for providing the City with a Microsoft Enterprise Software Licensing Agreement; and

To authorize the City Manager to execute a contract with CompUSA, Inc. in the amount of \$745,590 for providing the City with a Microsoft Enterprise Software Licensing Agreement; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract; and

To waive the requirement for a Performance Bond was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: BIDS - AUTOMATED BUDGET PREPARATION AND MAINTENANCE SYSTEM - AMERICAN MANAGEMENT SYSTEMS, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept the bid from American Management Systems, Inc. in the amount of \$271,040 for providing the City with an Automated Budget Preparation and Maintenance System; and

To authorize the City Manager to execute a contract with American Management Systems, Inc. in the amount of \$271,040 for providing the City with an Automated Budget Preparation and Maintenance System; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was



approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: LEASE AGREEMENT BETWEEN CITY OF DURHAM AND THE STATE OF NORTH CAROLINA CULTURAL RESOURCES - LEIGH FARM PARK**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute the Lease Agreement between the City of Durham and the State of North Carolina Department of Cultural Resources for a 23.43 acre addition to the proposed Leigh Farm Park was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF DURHAM AND BEN F. ROBINSON - DISTRICT #4 POLICE SUBSTATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute "Amendment Number 2 to Lease Agreement between City of Durham and Ben F. Robinson" dated May 9, 1995 for the District #4 Police Substation was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ARCHITECT'S CONTRACT FOR CITY HALL BASEMENT/OFFICE SPACE EXPANSION PROJECT - THE NEW SYNERGY, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with The New Synergy, Inc. not to exceed the amount of \$137,600 to provide architectural design services for the City Hall Basement/Office Space Expansion Project; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED LAND LEASE AGREEMENT BETWEEN THE CITY OF DURHAM  
AND AT&T PCS, INC. BY AND THROUGH ITS AGENT, AT&T  
WIRELESS SERVICES, INC. - COMMUNICATION FACILITY AT THE  
NEW HOPE TREATMENT PLANT SITE**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve and authorize the City Manager to execute the land lease agreement for installation of a communication facility at the former New Hope Treatment Plant site; and

To authorize the City Manager to execute any other implementation documentation, provided such documentation is consistent with the intent and purpose of the agreement; and

To authorize the City Manager to make such changes to the attached documents as are needed provided that the City's obligations are not increased and the obligations of AT&T and PCS, Inc. and AT&T Wireless Services, Inc. are not lessened was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED PARKING DECK SECURITY CONTRACT WITH BURNS  
INTERNATIONAL SECURITY SERVICE**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a one-year security contract with Burns International Security Service in the amount of \$149,250.40 for parking system security, and to make changes to the contract such that the contractor's obligations are not lessened and the City's obligations are not increased was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ARCHITECT'S CONTRACT FOR OFFICE STANDARDS AND SPACE USE  
MASTER PLAN STUDIES - G. H. WILLIAMS COLLABORATIVE P.A.-  
CITY HALL AND CITY/COUNTY PLANNING BUILDINGS**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with G. H. Williams Collaborative P.A. in the amount of \$96,600 to provide an Office Standards and Space Use Master Plan studies for the City Hall and City/County Planning buildings; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: FINAL APPROVAL OF NON-CITY AGENCY CONTRACTS**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute non-city agency contracts, as listed in the attachment, and to make amendments to the non-city agency contracts that do not increase the contract sum was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ASSESSMENT OF THE M/WBE ORDINANCE, AS AMENDED**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive an assessment of the M/WBE Ordinance, as amended was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: DURHAM PLANNING COMMISSION - APPOINTMENTS**

**MOTION** by Council Member Larson seconded by Council Member Miller to appoint Angela M. Elkins, representing District 2, to the Durham Planning Commission for a three-year term to expire June 30, 2002; and

To direct the City Clerk to re-advertise for a District 3 representative on the Durham Planning Commission for a three-year term to expire June 30, 2002 was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED NATIONAL REGISTER OF INVENTORY FUNDING POLICY**

**MOTION** by Council Member Larson seconded by Council Member Miller

to receive a report from the Administration on the proposed policy; and

To adopt a "Resolution Establishing a City of Durham Policy on Funding and Hiring Consultants to Undertake National Register Historic District Inventories and Nominations in City Neighborhoods" was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SITE PLAN APPROVAL - CHANCELLOR'S RIDGE, PHASES 2 AND 3**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve a site plan for Chancellor's Ridge, Phase 2 (247 single family lots) and Phase 3 (81 multi-family lots), as shown on the approved Development Plan was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

(Phase 1, for 68 single family lots, was approved by the Board of County Commissioners on June 24, 1996.) (Phase 4 has yet to be submitted.) The overall site contains 172.34 acres and the property is zoned PDR-2.65 and Falls/Jordan Basin.

**SUBJECT: I-85 MUNICIPAL AGREEMENT FOR I-85 IMPROVEMENTS FROM WEST OF CAMDEN AVENUE TO NORTH OF MIDLAND TERRACE AND US 70 TO EAST OF CHEEK ROAD - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution authorizing the City Manager to execute the I-0306 DC Municipal Agreement with the North Carolina Department of Transportation was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: RESCINDING RESOLUTION ORDERING A CERTAIN LOCAL IMPROVEMENT AND SETTING PUBLIC HEARING TO CONSIDER ORDERING AN IMPROVEMENT UNDER THE ENABLING ACT AUTHORITY**

**MOTION** by Council Member Larson seconded by Council Member Miller to rescind the resolution adopted by Council on June 21, 1999,

ordering the installation of a sewer main on East Rockway Street from the south property line of Tax Map 470-2-5 to the south property line of Tax Map 740-1-7; and

To adopt a resolution setting a public hearing on Monday, August 2, 1999 to consider ordering a sewer main on East Rockway Street from the south property line of Tax Map 470-2-5 to the south property line of Tax Map 740-1-7 under the Enabling Act Authority was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: LICENSE AGREEMENT WITH PETULA ASSOCIATES, LTD, FOR IRRIGATION LINES - EMPEROR BOULEVARD**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a License Agreement with Petula Associates, Ltd. for private irrigation lines within the right of way of Emperor Boulevard was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: AMENDMENT NO. 1, WATER AND SEWER EXTENSION AGREEMENT WITH WASTE INDUSTRIES, INC. - STONE ROAD INDUSTRIAL PARK**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into Amendment No. 1 of the Water and Sewer Extension Agreement with Waste Industries, Inc. for service to Stone Road Industrial Park, a 65.08 acre industrial site located on the north side of Stone Road and west of Wrenn Road was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH SUN RIVER BUILDERS, INC. - CLAYTON CROSSINGS**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Sun River Builders to serve Clayton Crossings, an 11.34 acre, 35 lot single family subdivision was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson,

McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CONTRACT ST-200 - CENTRAL DURHAM HANDICAP RAMPS, HOLMES CONTRACTING, INCORPORATED**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Holmes Contracting, Incorporated in the amount of \$132,147 for central Durham handicap ramps (Contract ST-200); and

To authorize the expenditure of \$165,000 from the Sidewalk Repair and Replacement Account was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CONTRACT ST-201 - CITY PARKING LOT #14, B & B PAVING COMPANY, INCORPORATED**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with B & B Paving Company, Incorporated in the amount of \$159,964.50 for paving City Parking Lot #14 (Contract ST-201) was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ARCHITECT'S CONTRACT FOR FAY STREET CAMPUS FACILITY DESIGN - DTW ARCHITECTS & PLANNERS, LTD**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with DTW Architects & Planners, LTD in the amount of \$411,000 to provide design services for the Fay Street campus facility; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: WILLIAMS WATER TREATMENT PLANT - PHASES IV CONSTRUCTION,**

**CRAIN AND DENBO, INCORPORATED, CAROLINA AIR CONDITIONING  
COMPANY, INCORPORATED**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute Contract 1 with Crain and Denbo, Incorporated in the amount of \$3,238,100; and

To authorize the City Manager to execute Contract 3 with Carolina Air Conditioning Company, Incorporated in the amount of \$97,680; and

To authorize the City Manager to execute any Change Orders necessary for Contracts 1 and 3 was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CONTINUATION OF THE JOINT FUNDING AGREEMENT WITH THE U.  
S. GEOLOGICAL SURVEY FOR RESEARCH CONDUCTED IN THE  
TREYBURN DEVELOPMENT AREA OF THE FALLS LAKE WATERSHED AND  
FOR MONITORING OF THE INFLOWS TO THE CITY'S WATER SUPPLY  
RESERVOIRS**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Joint Funding Agreement with the U.S. Geological Survey in the amount of \$42,842 for the research conducted in the Treyburn development area of the Falls Lake watershed and for monitoring of the inflows to the City's water supply reservoirs; and

To authorize the City Manager to sign future extensions of this Agreement subject to funds being approved in the annual budget was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: AMENDMENT NO. 2 TO CH2M HILL, INC. BUSINESS, OPERATIONS,  
ORGANIZATION, MANAGEMENT AND EXPANSION PLAN CONTRACT**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute Amendment No. 2 with CH2M HILL, INC. for an additional \$15,200 to cover services provided to assist staff with updating the City's Jordan Lake Water Supply Allocation Application was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent:

None.

**SUBJECT: CONSULTANT CONTRACT FOR MASTER PLAN, DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENTATION, AND CONTRACT ADMINISTRATION OF THE RENOVATION OF DUKE PARK - MOORE IACOFANO GOLTSMAN, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with Moore Iacofano Goltsman, Inc. in the amount of \$86,745, including a contingency of \$10,000 for the Master Plan, design development, construction documentation, and contract administration for the renovation of Duke Park including a new "sprayground" on the site of the former swimming pool; and

To authorize the City Manager to make changes to the contract such that the scope of services is not reduced and the contract amount is not increased was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CONSULTANT CONTRACT FOR DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENTATION, AND CONTRACT ADMINISTRATION OF THE WARREN CREEK AND THIRD FORK CREEK TRAILS OF THE NORTH-SOUTH GREENWAY - COULTER HART JEWELL THAMES, P. A.**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with Coulter Hart Jewell Thames, P.A. in the amount of \$312,000 with a contingency of \$30,000, for the design development, construction documentation, and construction administration of the Warren Creek and the Third Fork Creek Trails of the North-South Greenway; and

To authorize the City Manager to make changes to the contract such that the scope of services is not reduced and the contract amount is not increased was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CONSTRUCTION CONTRACT FOR THE EXPANSION AND RENOVATION OF TWIN LAKES PARK - GAITHER CONSTRUCTION COMPANY**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with



Gaither Construction Company in the amount of \$554,410, with a contingency of \$55,000, for the expansion and renovation of Twin Lakes Park; and

To authorize the City Manager to make changes to the contract such that the scope of services is not reduced and the contract amount is not increased was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: EXTENSION OF CONSULTANT CONTRACT FOR DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENTATION, AND CONTRACT ADMINISTRATION OF THE RENOVATION OF HILLSIDE PARK AND POOL FACILITY - HADEN STANZIALE, P. A.**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with Haden-Stanziale, P.A. to amend the existing contract to include the design development, construction documentation, and construction administration of the new swimming pool facility and increase design fees to \$137,500, including a contingency of \$13,000; and

To authorize the City Manager to make changes to the contract such that the scope of services is not reduced and the contract amount is not increased was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: RESOLUTION OF THANKS TO THE SPECIAL OLYMPICS OFFICIALS**

**MOTION** by Council Member Larson seconded by Council Member Miller to direct the City Clerk to draft a resolution of thanks to the Special Olympics officials for a job well done was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: NORTH CAROLINA MILLION SOLAR ROOFS INITIATIVE**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the Mayor to submit an application for inclusion of the City of Durham in the "Solar Communities Pilot Program" was approved at 8:52 p.m. by the following vote: Ayes: Mayor

Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SEWER MAIN ASSESSMENT, 3710 NEW MT. MORIAH ROAD - HELEN O. DENNIS**

**MOTION** by Council Member Larson seconded by Council Member Miller to find that the property of Helen O. Dennis, identified as Tax Map #478-1-11, 3710 New Mt. Moriah Road, has not benefited at this time from sewer main improvement and to relieve the assessment in the amount of \$1,750 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the sewer main was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: RESOLUTION MEMORIALIZING MR. JAMES FARMER**

**MOTION** by Council Member Larson seconded by Council Member Miller to direct the City Clerk to draft a resolution memorializing Mr. James Farmer was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENT FOR TIRES AND TUBES, NU-TREAD TIRE COMPANY AND BRIDGESTONE/FIRESTONE, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept the bid from Nu-Tread Tire Company in the amount of \$327,805.33 for providing the City with tires and tubes (Section I - general tires and tubes and Section II - fire vehicle tires and tubes including installation); and

To accept the bid from Bridgestone/Firestone, Inc. in the amount of \$87,952.50 for providing the City with tires and tubes (Section III - transit bus tires); and

To waive the requirement for a Performance Bond for the aforementioned bidders was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: BIDS - REMANUFACTURED DIESEL ENGINES - COVINGTON DETROIT  
DIESEL-ALLISON**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept the bid from Covington Detroit Diesel-Allison in the amount of \$110,625.00 for furnishing the City with ten remanufactured diesel engines; and

To waive the requirement for a Performance Bond for the aforementioned bidder was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: STOP SIGNS - GRANDOVER SUBDIVISION**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Darden Place at Mystic Drive, north corner
- 2) Tacoma Court at Mystic Drive, north corner
- 3) Mystic Drive at Umstead Road, west corner.

**SUBJECT: STOP SIGN - JUBILEE LANE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Jubilee Lane at Pilot Street, southeast corner was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: STOP SIGNS - ROYAL TROON SUDIVISION**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement

and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Rhum Drive at Craig Road, northeast corner
- 2) Crail Court at Rhum Drive, northwest corner
- 3) Rhum Drive at Kinross Court, south corner
- 4) Clyde Court at Kinross Court, southeast corner.

**SUBJECT: STOP SIGNS - SULLIVAN TRACE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Edenberry Drive at South Roxboro Street, northeast corner
- 2) Panzer Place at Edenberry Drive, northwest and southeast corners

**SUBJECT: STOP SIGNS - WESTFIELD VILLAGE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Southwest Drive at Cook Road, northeast corner
- 2) Keswick Court at Southwest Drive, southeast and northwest corners
- 3) Southwest Drive at Gablefield Drive, southwest corner.

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - OAKMONT CIRCLE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing a speed limit of 25 mph on the entire length of Oakmont Circle was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SETTING PUBLIC HEARINGS FOR CONFIRMATION OF CERTAIN  
ASSESSMENT ROLLS**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt resolutions setting public hearings on Monday, August 2, 1999 for confirmation of the following assessment rolls was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- a. **Water Main - North Woodrest Street** from Rochelle Street to south property line of Tax Map 378-2-4;
- b. **Water Main - Clayton Road** from N.C. 98 to Judy Avenue;
- c. **Sewer Main - Kinloch Drive** from Kinloch Drive Outfall to Latta Road and **Latta Road** from Kinloch Drive to Womack Drive;
- d. **Sewer Main - Holloway Street** from Adams Street to Woodcrest Street;
- e. **Sewer Main - Edgerton Drive** from Ed Cook Road to west property line of Tax Map 566-2-1; and
- f. **Sewer Main - East End Avenue** from west property line Tax Map 372, Block 1, Parcel 1A to east property line Tax Map 372, Block 1, Parcel 1A.

**SUBJECT: CITY COUNCIL MINUTES FOR APPROVAL - CITY CLERK'S OFFICE**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the official minutes of the following City Council meetings was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

April 19, 1999 - Regular Meeting  
May 17, 1999 - Regular Meeting  
June 7, 1999 - Regular Meeting

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: Sidewalk - Miami Boulevard (West Side)** from Drew Street

to Juniper Street; Miami Boulevard (East Side) from North Property Line of Tax Map 145-4-18 to Harvard Avenue and Miami Boulevard (West Side) from Liberty Street to East Main Street under the Enabling Act Authority

As this was the time and place set for the public hearing, anyone was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering sidewalk on Miami Boulevard (West Side) from Drew Street to Juniper Street; Miami Boulevard (East Side) from North Property Line of Tax Map 145-4-18 to Harvard Avenue and Miami Boulevard (West Side) from Liberty Street to East Main Street under the Enabling Act Authority was approved at 8:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER CASE P98-52, KEYSTONE, SOUTHWEST CORNER OF HOPSON ROAD AND DAVIS DRIVE**

Case: P98-52

Applicant: Keystone

Location: 23.56 acres at the southwest corner of Hopson Road and Davis Drive, adjacent to the Research Triangle Park (Tax Map 584-3-13)

Request: Rezoning from OI-2 (D) (General Office and Institutional District with a Development Plan) and SC(D) (Shopping Center District with a Development Plan) to OI-2(D) (General Office and Institutional District with a Development Plan) and NC(D) (Neighborhood Commercial District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2(D) and SC(D) and placing same in and establishing same as OI-2(D) and NC(D).

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing anyone interested was given the opportunity to be heard. There being no objections/allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above

described property out of OI-2(D) and SC(D) and placing same in and establishing same as OI-2(D) and NC(D) was approved at 8:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER CASE P98-54, FOGLEMAN AVERETT, DUKE STREET AND STADIUM DRIVE**

Case: P98-54

Applicant: Fogleman/Averett

Location: The site is located at the northwest corner of the intersection of Duke Street and Stadium Drive (Tax Map 326, Block 1, Lots 1A (partial) and 1B)

Request: Rezoning from R-5 (Residential 5 District), F/J-B to OI-1(D) (Transitional Office and Institutional District with a Development Plan), F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-5, F/J-B and placing same in and establishing same as OI-1(D), F/J-B.

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Mickey Fogleman, the applicant, spoke in support of the request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-5, F/J-B and placing same in and establishing same as OI-1(D), F/J-B was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER CASE P99-14, 1<sup>ST</sup> AMERICAN LAND, LUMLEY ROAD AND PAGE ROAD, WEST AND NORTH/NORTHWEST OF ASHLEY FOREST, WEST OF PAGE CROSSING**

Case: P99-14

Applicant: 1st American Land

Location: 64.37 acres between Lumley Road and Page Road, west and north/northwest of Ashley Forest, west of Page Crossing (Tax Map 648-1-3 (partial) 4A (partial, 7, 8, 11, 14A; 649-1-6, 7, 8A)

Request: Rezoning from RD (Rural District) to PDR-2.83

(Planned Density Residential District with a maximum of 2.83 units per acre)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and placing same in and establishing same as PDR-2.85.

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Attorney Jack Markham, representing the applicant, spoke in support of the request.

Britt Nettles; Reverend Michael Bond; and Charlotte Hyer spoke in support of the request.

No one spoke in opposition. The Mayor closed the public hearing.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and placing same in and establishing same as PDR-2.85 was approved at 9:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER CASE P99-17, WATER WORLD, NORTHWEST CORNER OF MIAMI BOULEVARD AND HOOVER ROAD**

Case: P99-17

Applicant: Water World

Location: 0.53 acre tract on the northwest corner of Miami Boulevard and Hoover Road adjacent to the existing Water World site (Tax Map 227-1-8, 9)

Request: Rezoning from NC (Neighborhood Commercial District) to I-2 (Light Industrial District)



To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of NC and placing same in and establishing same as I-2.

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of NC and placing same in and establishing same as I-2 was approved at 9:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER CASE P99-18, BTD, CATHY DRIVE EAST OF  
THE INTERSECTION OF LYNN ROAD AND CATHY DRIVE IN THE  
SCOTTISH HILLS SUBDIVISION**

Case: P99-18

Applicant: BTD

Location: .33 acre site located on the south side of Cathy Drive just east of the intersection of Lynn Road and Cathy Drive, in the Scottish Hills Subdivision (Tax Map 387, Block 1, Lot 73 partial)

Request: Rezoning from RM-12 (Multifamily Residential District, maximum of 12 dwelling units per acre) to R-5 (Residential 5 District)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-12 and placing same in and establishing same as R-5.

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-12 and placing same in and establishing same as R-5 was approved at 9:08 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: Council Member McKissick. Absent: None.

**SUBJECT: PROPOSED ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE TO IMPROVE PROVISIONS REGARDING TEMPORARY OUTDOOR SALES ACTIVITIES (TC85-99)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the proposed ordinance; and

To adopt An Ordinance to Amend the Durham Zoning Ordinance to Improve Provisions Regarding Temporary Outdoor Sales Activities (TC85-99) was approved at 9:09 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED ORDINANCE TO PROVIDE CERTAIN TECHNICAL CHANGES TO THE DURHAM ZONING ORDINANCE REGARDING SETBACKS AND ACCESSORY DWELLINGS (TC87-99)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the proposed ordinance; and

To adopt An Ordinance to Provide Certain Technical Changes to the Durham Zoning Ordinance Regarding Setbacks and Accessory Dwellings (TC87-99) was approved at 9:10 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley,

Larson, McKissick and Miller. Noes: None. Absent: None.

Joint City-County Planning Committee's Recommendation: Approval

Zoning Committee of the Planning Commission's Recommendation: Approval

**[OTHER MATTERS]**

**SUBJECT: PROPOSED ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE  
TO CLARIFY ISSUES RELATED TO CHANGES TO APPLICATIONS  
[TC 88-99]**

To adopt an "Ordinance to Amend the Durham Zoning Ordinance to Clarify Issues Related to Changes to Applications."

A motion was made by Council Member Larson to approve the item as printed on the agenda. This motion was seconded by Council Member Miller.

Council Member Blyth requested a friendly amendment: "The determination as to whether changes to a proposed rezoning must be sent back to the Planning Commission shall be made by the Director of the City/County Planning Department **with prior notice to all City Council Members.**"

Council Member Larson accepted the friendly amendment.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an "Ordinance to Amend the Durham Zoning Ordinance to Clarify Issues Related to Changes to Applications" as amended was approved at 9:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PARKING CITATION COLLECTION SYSTEM**

To receive a report from the Administration concerning the Parking Citation Collection System.

To adopt "An Ordinance Amending Section 20-200 - 20-203 of the Durham City Code Concerning Enforcement and Collection of Civil Penalties for Parking Regulations and Adding Section 20-203.1(a)."

To adopt "An Ordinance Granting Parking Offenders Amnesty for Additional Civil Penalties (Late Fees) for Certain Violations."

A motion was made by Council Member Larson to approve the item as printed on the agenda. This motion was seconded by Council Member Miller.

Nav Gill, Finance Director, briefed council on where parking tickets are being issued [55% at retail shopping centers and 45% in the downtown area]. Also, Mr. Gill made available a corrected copy of the ordinance.

Bill Kalkhof, President of Downtown Durham, Inc., spoke in support of the ordinance. Also, Mr. Kalkhof asked the council to consider making all downtown parking one hour in length with the exception of two hour parking currently at the YMCA and the 20 minute parking presently in front of the post office.

Council Member McKissick voiced concern with re-implementing the booting policy. He stated this will discourage people who want to come downtown.

A substitute motion was made by Council Member Blyth to adopt the ordinance and ask staff to evaluate diversity of parking times and loading zones.

City Manager Ewell stated Mr. Kalkhof raised some good points regarding parking patterns. City Manager Ewell stated he would provide a report on this matter within 30 days at the Public Works Committee.

Council Member Larson accepted Council Member Blyth's request as a friendly amendment.

Council Member Burnette also requested a friendly amendment to the motion - that the administration evaluate the number of handicap spaces and that they be placed near curb-cuts for access to businesses.

Council Member Larson accepted Council Member Burnette's friendly amendment.

Council Member Cox requested the administration include in the report recommendations for making downtown parking a friendly campaign.

Council Member McKissick asked the administration to review the number of spaces designated for taxi stands.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning the Parking Citation Collection System; and

To adopt "An Ordinance Amending Section 20-200 - 20-203 of the

Durham City Code Concerning Enforcement and Collection of Civil Penalties for Parking Regulations and Adding Section 20-203.1(a)"; and

To adopt "An Ordinance Granting Parking Offenders Amnesty for Additional Civil Penalties (Late Fees) for Certain Violations"; and

To request the administration provide a report/recommendations at the Public Works Committee addressing the following: 1) Evaluate Diversity of Parking Times and Loading Zones; 2) Number of Handicap Spaces; 3) Friendly Campaign for Downtown Parking; and 4) Number of Spaces designated for Taxi Stands was approved at 9:26 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: Council Member McKissick. Absent: None.

**SUBJECT: PROPOSAL TO LIMIT APPROVALS OF MAJOR DEVELOPMENTS IN THE NC-54/I-40 CORRIDOR**

To adopt a "Resolution to Establish the Moratorium Amendment as a Council-Initiated Zoning Amendment and to Set a Public Hearing Regarding the Amendment"—public hearing scheduled for Monday, August 2, 1999.

A motion was made by Council Member Larson to approve the item as printed on the agenda. This motion was seconded by Council Member Miller.

The following citizens spoke on this item:

Bill Kalkhof spoke in favor of the moratorium for a six month period in Southwest Durham. He stated that projects already in the process should be allowed to move forward.

Pat Bocckino spoke in support of setting a public hearing on this matter.

Fred Bradwell spoke in support of setting a public hearing.

A substitute motion was made by Council Member Griffin to adopt a resolution setting a public hearing on Monday, August 16, 1999. This motion was seconded by Council Member Cox.

Several members of Council spoke in support of holding the public hearing on Monday, August 16, 1999.

A substitute motion to the substitute was made by Council Member Blyth to adopt a resolution setting the public hearing on Monday, August 16, 1999 and any projects not received by July 19, 1999 not

be grandfathered. This motion was seconded by Council Member Brown.

With regard to Council Member Blyth's motion, City Attorney Blinder stated that it would not be in order to take any subsequent action on a date stipulating grandfathering. He noted the only issue before the council this evening is when to hold the hearing.

The Mayor ruled that the only motion on the floor was the substitute motion to set a public hearing on August 16, 1999 made by Council Member Griffin.

**MOTION** by Council Member Griffin seconded by Council Member Cox to adopt a "Resolution to Establish the Moratorium Amendment as a Council-Initiated Zoning Amendment and to Set a Public Hearing Regarding the Amendment"--public hearing scheduled for Monday, August 16, 1999 was approved at 9:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: LEBANON TOWNSHIP PLAN**

To receive public comment on the Lebanon Township Plan and to adopt the Lebanon Township Small Area Plan subject to corrections and additions as shown in the attachment.

Wayne Cash spoke in support of the Lebanon Township Small Area Plan and requested council to adopt this plan.

Mayor Tennyson voiced concern about whether sufficient consideration was given to having such a large area of only residential zoning [lack of neighborhood support services].

T. E. Austin, of the City/County Planning Department, suggested reviewing neighborhood services on a city/county wide basis for suburban and rural areas and setting up support for neighborhood service areas that would have criteria.

A motion was made by Council Member Larson to receive public comment on the Lebanon Township Plan and to adopt the plan and to request the staff to provide a report on neighborhood services. This motion was seconded by Council Member Blyth.

A substitute motion was made by Mayor Pro Tempore Clement to defer action on this matter until the September 7, 1999 City Council Meeting and request the administration to solicit comments from the community on how to include neighborhood services. This

motion was seconded by Council Member Jacobs.

Several Council Members spoke in opposition to delaying the adoption of the Lebanon Township Plan. Also, discussion was held by Council on neighborhood services.

Mayor Tennyson called for the vote on the substitute motion.

Council Member Engelhard requested to be heard to make additional comments on this matter.

A motion was made to allow Council Member Engelhard to speak on this matter. Vote 10/3 Noes: Mayor Pro Tempore Clement and Council Members Griffin and Jacobs.

**SUBSTITUTE MOTION** by Mayor Pro Tempore Clement seconded by Council Member Jacobs to defer action on this matter until the September 7, 1999 City Council Meeting and request the administration to solicit comments from the community on how to include neighborhood services was approved at 10:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Cox, Engelhard, Griffin, Jacobs and Larson. Noes: Council Members Langley, Burnette, McKissick, Miller and Blyth. Absent: None.

**SUBJECT: MULTIMODAL TRANSPORTATION CENTER SITE SELECTION**

To receive a report from the Administration.

To select the Walker Storage Building as the preferred site for the Multimodal Transportation Center.

A motion was made by Mayor Pro Tempore Clement to approve the Walker Storage Building as the preferred site for the Multimodal Transportation Center. This motion was seconded by Council Member Jacobs.

The following individuals spoke in support of the Walker Site for the Multimodal Transportation Center: Bill Kalkhof; Steve Gaddis; and Henry Scherich.

Edgar Carr addressed council speaking in support of Site 11 [former Downtowner Motel]. He noted several reasons why Site 11 was a superior site when compared to the Walker Warehouse for developing Durham's Multimodal Transportation Center.

Several Council Members spoke in support of Site 11.

Several Council Members spoke in support of the Walker Site.

**SUBSTITUTE MOTION** by Council Member McKissick seconded by Council Member Blyth to receive a report from the Administration; and

To select Site 11 [former Downtowner Motel] as the preferred site for the Multimodal Transportation Center **FAILED** AT 11:01 p.m. by the following vote: Ayes: Council Members Blyth, Brown, Engelhard, Griffin and McKissick. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cox, Jacobs, Langley, Larson and Miller. Absent: None.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Jacobs to receive a report from the Administration; and

To select the Walker Storage Building as the preferred site for the Multimodal Transportation Center was approved at 11:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Members Blyth and Brown. Absent: None.

**[SUPPLEMENTAL ITEM]**

**SUBJECT: REALLOCATION OF FUNDS IN THE 1997 GRANT AWARD RECEIVED FROM THE U. S. DEPARTMENT OF JUSTICE/BUREAU OF JUSTICE ASSISTANCE**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the reallocation of Local Law Enforcement Block Grant funds in the amount of \$88,000 to be used for the purchase of police equipment was approved at 11:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[ITEM PULLED FROM THE CONSENT AGENDA]**

**SUBJECT: CONTRACT ST-191 - MARTIN LUTHER KING, JR. PARKWAY, RIFENBURG CONSTRUCTION, INCORPORATED**

To authorize the City Manager to execute a contract with Rifenburg Construction, Incorporated in the amount of \$7,639,818.76 for extension of Martin Luther King, Jr. Parkway (Contract ST-191); and

To authorize the expenditure of \$8,400,000 from the Martin Luther King Parkway Phase II Account.

Due to a concern, Council Member Cox made a motion to hold this



item until the August 2, 1999 City Council Meeting. This motion was seconded by Council Member McKissick. Council Member Cox stated he checked with the administration and holding this item one cycle would not affect the bids already received.

A substitute motion was made by Council Member Larson to approve the item as printed on the agenda. This motion was seconded by Council Member Miller.

Council Member Engelhard requested staff to communicate with NCDOT to get signal pre-emption for transit and emergency vehicles.

Council Member Larson accepted Council Member Engelhard's request as a friendly amendment to his motion.

Council Member Cox stated he would accept Council Member Engelhard's request as a friendly amendment if the substitute motion failed.

**SUBSTITUTE MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Rifenburg Construction, Incorporated in the amount of \$7,639,818.76 for extension of Martin Luther King, Jr. Parkway (Contract ST-191); and

To authorize the expenditure of \$8,400,000 from the Martin Luther King Parkway Phase II Account and to direct the administration to begin work immediately to make all preparations to insure signal pre-emption for transit and emergency vehicles was approved at 11:06 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Mayor Tennyson and Council Member Cox. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 11:06 p.m.

D. Ann Gray, CMC  
Deputy City Clerk

Margaret M. Bowers, CMC  
City Clerk

